

# MARYLAND CODES ADMINISTRATION

## Minimum Livability Code

**COMAR 05-02-03**

**Effective September 17, 2012**



**Maryland Codes Administration  
100 Community Place  
Crownsville, Maryland 21032  
410-514-7220 • 800-756-0119**



# **Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

## **Subtitle 02 BUILDING AND MATERIAL CODES**

### **Chapter 03 Minimum Livability Code**

**Authority: Public Safety Article, §12-203, Annotated Code of Maryland**

#### **.01 General.**

A. Title. This chapter shall be known as the Minimum Livability Code or “the Code”.

B. Scope. The Code is created to protect the public health, safety, and welfare in residential structures and premises by:

(1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating, and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;

(2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems, and other equipment and devices necessary for safety from fire;

(3) Fixing the responsibilities of property owners, operators, and tenants of residential structures and premises; and

(4) Providing for administration, enforcement, and penalties.

C. Intent. The Code shall be construed liberally and justly to protect public health, safety, and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

## **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Act” means Public Safety Article, §12-203, Annotated Code of Maryland.

(2) “Code” means the Minimum Livability Code Regulations.

(3) “Code official” means the official or any duly authorized agent or designee of the local political subdivision in which the housing is located who is authorized to enforce the Code.

(4) “Department” means the Department of Housing and Community Development.

(5) “IPMC” means the most recent version of the International Property Maintenance Code adopted by the Department and incorporated by reference in Regulation .03 of this chapter.

(6) “Person” includes an individual, partnership, limited partnership, trust, estate, association, or corporation or any other group acting as a unit.

(7) “Property owner” means a person having a legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.

(8) “Structure” means a residential structure used for human habitation.

(9) “Tenant” means an occupant other than a property owner.

(10) “Unit” means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

## **.03 Incorporation by Reference.**

A. The 2012 International Property Maintenance Code (International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001), as modified in this chapter, is incorporated by reference

B. Modifications to the IPMC.

(1) Chapter 1. Add the note to Chapter 1: Each local political subdivision is responsible for the implementation and enforcement of the Minimum Livability Code. Refer to each local political subdivision for local amendments to Chapter 1 of the IPMC.

(2) The following definitions in section 202 of the IPMC are deleted and replaced with the pertinent definitions in .02(B) of this chapter:

- (a) Code official;
- (b) Person; and
- (c) Tenant.

(3) Appendix A of the IPMC is adopted as part of the Code.

C. This chapter and the IPMC, as modified in §B of this regulation, shall constitute the Minimum Livability Code.

#### **.04 Application.**

A. The Minimum Livability Code shall apply to residential structures used for human habitation except:

- (1) Owner-occupied single family housing units;
- (2) Housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of the Code; or
- (3) Housing exempted by the Department.

B. In addition to any fire safety requirements contained in the IPMC, the State fire safety laws, Public Safety Article, Title 9, Annotated Code of Maryland, and the State Fire Prevention Code, COMAR 29.06.01, contain additional fire safety requirements. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

#### **.05 Code Enforcement.**

A. Local Enforcement. It shall be the duty and responsibility of the local political subdivision in which the housing is located to enforce the provisions of the Code.

B. Local Waiver.

(1) A local political subdivision may waive applicability of the Code, in whole or part, to a unit of rental housing on application of the property owner if:

(a) Adequate notice in a form and manner specified by the subdivision is afforded a tenant of the unit;

(b) The tenant is afforded an opportunity to comment on the application either in writing or in person; and

(c) The waiver would not threaten the health or safety of a tenant.

(2) A local political subdivision may waive applicability of the Code if the waiver is granted on the basis of the religious practices of the occupant of the unit of rental housing.

C. Departmental Authority. The Department shall decide questions of interpretation of the Code, including questions relating to uniform enforcement by political subdivisions, and may authorize any waiver or exemption requested by a local political subdivision.

D. Departmental Waiver. Upon the written request of a local political subdivision, the Department may waive or vary particular provisions of the Code to the extent that the waiver is not inconsistent with the Act if:

(1) Geographic differences or unique local conditions justify the waiver;

(2) The waiver would not threaten the health or safety of any tenant; and

(3) The application of the particular provision to the local political subdivision would be inequitable or contrary to the purposes of the Act.

E. Displacement. A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

F. Enforcement and waiver application are not intended to supersede any State laws pursuant to the Annotated Code of Maryland as follows:

(1) State fire laws, Public Safety Article, Annotated Code of Maryland;

(2) State elevator laws, Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland; and

(3) State boiler laws, Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland.

## **.06 Violations.**

A. Penalty. A property owner who willfully violates any provision of the Code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or both.

B. Other Penalties. A penalty ordered under the Code is in addition to and is not a substitute for any other penalty authorized under a federal, State, or local law.

## **.07 Right to Appeal.**

A person affected by a decision of the code official which has been made in connection with the enforcement of any provision of the Code, or of a regulation adopted pursuant to the Code, may request and may be granted a hearing in a manner prescribed by the local political subdivision.

### **Administrative History**

**Effective date: April 6, 1987 (14:7 Md. R. 829)**

---

**Chapter recodified from COMAR 05.01.31 to COMAR 05.02.03**

---

**Chapter revised effective January 14, 2010 (37:1 Md. R. 14)**

---

**Effective date: September 17, 2012 (39:13 Md R 788-789)**